

Remarks

Claims 1-25 were pending in this application. Applicants acknowledge withdrawal of Claims 3-6, 10, 12-17 and 19-25 by the Examiner. Accordingly, Applicants have cancelled Claims 3-6, and 9-25. Claims 1 and 8 have been amended. Claims 26-40 have been added. The amendments made herein to the specification and claims do not incorporate new matter into the application as originally filed. Support for the amendments can be found in the drawings and throughout the instant specification.

Claim Rejections under 35 USC § 102

The Examiner has rejected Claims 1, 7, 9, 11, and 18 under 35 U.S.C. §102(b) as being anticipated by Min, U.S. Patent Number 5,618,295 (hereinafter “Min”). The Examiner has also rejected Claims 1, 7, 9, 11, and 18 under 35 U.S.C. 102(b) as being anticipated by Jang, U.S. Patent Number 5,843,114 (hereinafter “Jang”). The Examiner has rejected Claims 1-2, 7-9, 11, and 18 under 35 U.S.C. 102(b) as being anticipated by Morrison, U.S. Patent Number 2,542,828 (hereinafter “Morrison”).

Independent Claim 1, as presently amended, now recite the limitations of frustoconical protrusions with at least one scraping edge. Additionally, the limitation of a spring operably engaged between the handle and the base, with a defined attribute of movement of the handle causes proportional compression of the spring has been added. These limitations which have been incorporated into Claim 1 distinguish over all three references. Furthermore, independent Claim 1, as presently amended, now recite the limitations associated with the protrusion shape and connection of handle and spring elements.

Additionally, Morrison does not teach or suggest scarifier rotation proportional to the travel to the pushbutton of Morrison. In contrast, the limitation of Claim 2 of the present invention is for a rotation of the base (and thus the abrader) proportional to the pushbutton collapse. Therefore, Morrison cannot anticipate Claim 2.

To support a rejection of a claim under 35 U.S.C. § 102, it must be shown that each element of the claim is found, either expressly described or under principles of inherency, in a single prior art reference. In addition, the prior art reference must disclose the limitations of the claimed invention “without any need for picking, choosing, and combining various disclosures not directly related to each other by the teachings of the cited reference.” Therefore, since Min, Jang, or Morrison do not describe or suggest either alone or in combination any of the protrusion structural or operational spring limitations, these references cannot anticipate the Applicants’ invention as claimed. Applicants respectfully requests that the Examiner withdraw the 35 U.S.C. §102 rejections against Claims 1-2 and 7-8.

New Claims (Added Claims 26-40)

New claims 26-40 have been added to further define aspects of the invention, which are fully supported by the instant specification (e.g. Figs 7A-7E and Paragraphs 54-56, 58-59, 60-62 and 65). Accordingly, no new matter has been added. Without discussing each in detail, it will be appreciated that Claims 26-40 depending from Claim 1, either directly or indirectly, recite additional features that are not taught or suggested by the prior art.

Conclusion

In view of the Remarks above, applicant respectfully submits that Claims 1-2, 7-8, and 26-40 are in condition for allowance, and respectfully requests that the Examiner earnestly reconsider the rejections and objections of the present application. Applicant hereby authorizes the Commissioner to charge the fees necessary in connection with this Response, and any other fees necessary in connection with this application, to Deposit Account Number 02-1666.

In light of the above amendments and remarks, Applicant respectfully requests that the Examiner enter the amendments and consider the remarks made herein. Consideration and prompt allowance of the claims are respectfully submitted.

Any questions concerning this application or amendment may be directed to the undersigned agent of applicant.

Respectfully submitted,

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